

June 23, 1970

CONGRESSIONAL RECORD — SENATE

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PLEASED TO DO THE FAVOR

A dark, dapper man, given to gesticulation, the 52-year-old Byrd is known for his command of floor procedure, his ability to keep the machinery moving with his sometimes-astonishing stamina on the floor. His colleagues credit him with a fast mind, a keen memory.

For four years Senator Byrd has been secretary of the Senate Democratic Conference, a precarious perch on the outer reaches of the party leadership that he has built into a bustle of floor activity and a determined attention to detail, however small.

If a staff aide asks Mr. Byrd to insert another Senator's speech in the record, the West Virginian writes the Senator a letter telling him how pleased he was to do the favor. He keeps a copy in his files. When a Senator has a birthday, Mr. Byrd writes his congratulations; if the Senator replies, Mr. Byrd writes back to thank him for his letter.

"Bobby Byrd invests the most trivial act with a sense of self-importance," a long-time congressional observer said. "With two Senators on the floor, nothing happening and nothing likely to happen, he'll move to rescind a quorum call as though it were a high drama."

ORPHAN ON A DIRT FARM

Mr. Byrd, who is no kin of the prominent Byrd family of Virginia, was born Jan. 15, 1918, in Wilkesboro, N.C., and, he recalls, was raised as an orphan on a dirt farm. He was valedictorian of his high-school class but was too poor to go on to college except for some sporadic attendance while serving in the West Virginia Legislature.

In 1963, at the age of 45, he received a law degree University here. He had studied nights and weekends for, as a tectotaler, he has little interest in the social circuit.

Senator Byrd is as painstaking about his political contacts back in West Virginia as he is in the Senate. Nearly every weekend he makes 50 or more telephone calls to constituents, many of them city and county officers or employees, asking about their children and their views on issues. He takes notes and keeps files so subsequent calls have a personal touch.

The West Virginian married Erma Ora James in 1937, and they have two daughters.

In West Virginia the Senator is regarded as all but unbeatable. Earlier this year there was a flurry of anti-Byrd activity but it came to nothing. He was renominated in the primary by a margin of better than seven to one over a more liberal candidate.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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The assistant legislative clerk proceeded to call the roll.

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Thereupon, at 1:31 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:44 p.m. when called to order by the Presiding Officer (Mr. HUGHES).

ADDITIONAL STATEMENTS OF SENATORS

THE 100TH ANNIVERSARY, ST. FRANCIS XAVIER CHURCH, PARKERSBURG, W. VA.

Mr. BYRD of West Virginia. Mr. President, in October 1970, the Church of St. Francis Xavier in Parkersburg, W. Va., will celebrate the 100th anniversary of its dedication. This beautiful church, one of the finest of its time west of the Allegheny Mountains, was built in 1869 under the direction of the first resident pastor, the Very Reverend Henry F. Parke, and dedicated in October 1870, by the first Bishop of Wheeling, the Most Reverend Richard V. Whelan.

The parish at St. Francis Xavier antedates the War Between the States, as it dates back to 1847. The present church building, erected on the site of an earlier smaller church, is admired for its handsome French Gothic architecture, magnificent stained glass windows, and exquisitely carved white wooden altar. It is especially noted in artistic circles for the beautiful mural paintings of religious subjects by a painter named Daniel Mueller. This same artist is said to have assisted in executing, in similar style, some of the paintings in the rotunda of this Capitol Building.

Schools have been an important adjunct to the work of St. Francis Xavier Parish. The earlier grammar school was started in 1855 in the back of the earlier church building; it has been in several other, successively larger quarters, and, renamed the Parkersburg Catholic Elementary School, is now in a fine building in downtown Parkersburg, erected in 1950. The parish also contributed to the building, in 1959, of Parkersburg Catholic High School for use by its own students and those of other nearby parishes.

St. Francis Xavier is the parent church of a number of other churches in the area, extending from New Martinsville on the north to Ravenswood on the south.

My distinguished colleague from West Virginia (Mr. RANDOLPH) and I extend our best wishes to the present pastor, the Very Reverend Leo B. Lydon; to his bishop, the Most Reverend Joseph H. Hodges, of the diocese of Wheeling; and to all the parishioners and friends of St. Francis Xavier Church on the occasion of this centennial.

VIETNAM REPRISALS THEORY DISPUTED

Mr. KENNEDY. Mr. President, considerable attention has been given recently to the so-called "bloodbath" argument—troops cannot be withdrawn from South Vietnam without precipitating a bloodbath of reprisals. This argument, which

theless, to have a kind of truth of its own by its constant repetition.

As I suggested in the Chamber on May 26, I am deeply skeptical of this argument, especially as it is phrased by administration spokesmen. It seems to me that the argument is being used to evade the hard issues involved in reaching a political settlement in Vietnam—a negotiated peace—that will end once and for all the military bloodbath that is going on today. As used by the administration, the bloodbath argument seeks only to win support for the short-term military plans of the President, not long-term efforts for peace.

This conclusion was most recently discussed by Mr. Stephen Rosenfeld in a column written for the Washington Post on June 19. After carefully reading documents used by the administration to support the bloodbath argument—including a recent declassified Rand study—Mr. Rosenfeld concludes that "if Mr. Nixon is truly interested in deterring a bloodbath, then he should be emphasizing those elements of policy—a negotiated solution, pledges and guarantees against reprisals, sanctuaries for especially frightened people, international observers, and so forth—which could be of practical value in limiting repressions against any Vietnamese." To do otherwise, says Rosenfeld, is only to continue the bloodbath that is going on today.

I commend Mr. Rosenfeld's column to all Senators concerned about the bloodbath argument and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

VIETNAM REPRISALS THEORY DISPUTED
(By Stephen S. Rosenfeld)

To the list of expert witnesses who dispute President Nixon's insistent claim that only his own policy will avert a "bloodbath" in South Vietnam, add North Vietnamese Premier Pham Van Dong and—look here—social scientist Stephen T. Hosmer, author of a new Pentagon-commissioned Rand Corp. study of "Vietcong Repression and Its Implications for the Future."

Though they differ predictably in some of their judgments, particularly on how to read Hanoi's past record, they argue on strikingly similar lines that, after an American withdrawal, the political requirements of the Vietcong would tend to dictate a policy of less repression, not more.

Pham Van Dong's views were published, evidently for the first time, in the May 26 Congressional Record in a memo to Senator Kennedy from Richard J. Barnet. Barnet, co-director of the Institute for Policy Studies, visited Hanoi last November and talked with the premier and other officials.

"I had many discussions on the question of reprisals raised by President Nixon in his Nov. 3 speech," Barnet wrote. "Premier Pham Van Dong told me flatly, 'there will be no reprisals. He and others then went on to explain that national reconciliation was necessary to avoid the disintegration of South Vietnamese society. . . . It is imperative' he told me, 'that all Vietnamese in the south be admitted into the national community—with the same status.'"

Summarizing what a number of officials had said, Barnet concluded: "Any political forces in South Vietnam that wants to reconstruct the shattered Vietnamese society must work with all other significant religious and political groups. . . . The point is, in order

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand

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up its political base because Catholics, Buddhists, Cao Dai and middle-class professionals are becoming increasingly antiwar and anti-American. The destruction and uncontrolled inflation in Saigon are building a nationalist coalition for peace."

"The NLF leadership understands, it appears to me, that these nationalist forces are for the most part anti-Communist as well and that once the Americans leave, the front's only hope of building its power is to promote a political program that will appeal to many diverse interests . . ."

"Some NLF officials indicate that they may well be prepared to accept specific safeguards such as international inspection of elections and an international force to guard against and to report on possible political reprisals. But the very pledges they are prepared to give to other Vietnamese they will resist giving to us. For one thing, they told me, they do not see that the United States is entitled to assurance about the future character of the South Vietnamese government. . . They said they view with considerable skepticism expressions of humanitarian concern for the South Vietnamese from a country that has dropped more than a million tons of bombs on South Vietnam."

Are these arguments mere persiflage? Hosmer, like President Nixon, assumes that Saigon's own million-man armed force will somehow dissolve and that Communists will take full power. He expects a bloodbath "of very large proportions" if they do so in battle, "say, following a withdrawal of all U.S. military forces."

But, he says, "if, on the other hand, the Communists were to win control of a different road—say, through the gradual subversion and eventual capture of a coalition government established under an international arrangement—then the likelihood of widespread violence, at least during the takeover period, might be significantly smaller."

Moreover, he states: (1) Disintegration of the Saigon regime would have removed a major reason for repression. (2) Needing to run the country, a Communist regime "presumably would want to avoid actions that might hamper its major task of political consolidation and mobilization . . . in particular, to eschew the kind of indiscriminate mass reprisals that might permanently alienate much of the population." (3) A Communist regime might fear that excessive repression would breed "adverse reactions in other Communist states or parties and among the uncommitted nations."

Hosmer nonetheless states as his personal belief that the Communists, out of a temptation to consolidate control and out of what he says is a peculiar Vietnamese taste for revenge, would execute upwards of 100,000 people. He does not say why this belief should be given more weight than his argumentation, which goes mostly in the opposite direction and which corresponds in its important aspects with that of Pham Van Dong.

What the North Vietnamese official contends and what the Rand scholar concedes come out quite the same: there would be important political considerations pressing upon the Vietcong to conciliate rather than to kill their erstwhile political foes. Whether these considerations would finally govern the policy of the Vietcong is, of course, necessarily a matter of judgment and conjecture.

This suggests at the least that it is misleading if not downright unfair for the President to pass over the several hundred thousand actual deaths of Vietnamese civilians—a great many of them victims of American bombs and shells—and to raise the prospect of an equally massive massacre of Americans "by the millions," as though it were a certain thing. This is a tactic unworthy

of a President whose stated objective is a negotiated settlement to the war.

If Mr. Nixon is truly interested in deterring a bloodbath, then he should be emphasizing those elements of policy—a negotiated solution, pledges of guarantees against reprisals, sanctuaries for especially frightened people, international observers—which could be of practical value in limiting repressions against any Vietnamese. To stay on the military track alone, as Hanoi and the Rand study agree, is to assure the bloodiest outcome of all.

THE "WASHINGTON PLAN" FOR MINORITY HIRING AND THE SEX DISCRIMINATION GUIDELINES

Mr. ERVIN, Mr. President; the Department of Labor recently issued two orders relating to discriminatory hiring on Government contract work. I refer to the so-called "Washington Plan" governing Federal construction work in the Washington metropolitan area, and to the guidelines prohibiting sex discrimination on all Government contract work. The latter of these orders was announced by a distinguished North Carolinian, Mrs. Elizabeth Duncan Koontz, Director of the Women's Bureau.

While the sex discrimination guidelines may not run afoul of the dictates of the Civil Rights Act of 1964, the "Washington Plan" openly and brazenly violates title VII of that same act by granting preferences to minority workers.

Section 703(j) of the act is as clear to me as the crystal waters of a mountain lake:

Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization. Admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Mr. President, that statutory provision is the law of the land, and to my mind it means that the Labor Department cannot lawfully require Government contractors to give preference to any person or group of persons because the total number of workers in any skill or trade reflects any imbalance in race, color, religion, sex, or national origin. Yet, that is exactly what the "Washington Plan" does.

Boiled down to its essentials, the plan tells Government contractors in the Washington area that they must employ a certain percentage of minority workers in specified construction trades, beginning with electricians. For example, the plan requires that 10 to 16 percent of all electricians employed

must be minority workers by May 31, 1971. By 1974, the percentages for electricians must be from 28 to 34 percent.

The Labor Department refers to these figures as "ranges," just as it did last year when it attempted to defend the "Philadelphia Plan" in hearings before the Senate Subcommittee on Separation of Powers, which I chair. During those hearings the Department contended that the ranges were merely goals which contractors should strive to attain through affirmative-action programs, and that once the goals were met, they would serve as proof that the contractor had done his part under the Civil Rights Act. The subcommittee hearings demonstrated beyond doubt that Labor Department bureaucrats are bent upon forcing contractors to hire workers on the basis of race, whether or not these potential employees are qualified for the job.

Despite these denials to the contrary, Mr. President, I contend that the Labor Department is imposing quotas of minority employment on Federal construction projects in the Washington area. Furthermore, by the terms of the order creating the "Washington Plan," contractors on Federal projects must apply the same quotas to non-Federal building in order to keep their Government contracts. This is coercion by whatever name it is called.

Two aspects of the order clearly indicate that the Labor Department intended to impose quotas. For one thing, the order eliminates from its application several trades which already employ significant percentages of minority workers. Of all the Washington area carpenters, for example, 16.2 percent belong to minority groups. Therefore, carpenters were exempted. Plasterers were excused because 25.4 percent of them belong to minority groups. Other exempted groups employ the following percentages of minority workers: bricklayers, 56.9 percent; cement masons, 71.1 percent; laborers, 90.6 percent; operating engineers, 24.4 percent; reinforce rodmen, 32.4 percent; roofers, 85.3 percent; and teamsters, 87 percent. In other words, the Labor Department is telling these trades that they have already met their quotas.

Second, the order contains an analysis of job openings in different construction trades and states how many minority applicants a contractor should recruit for each job. The "Washington Plan" order is clear in its findings:

Based upon the fact that the minority population in Washington (a major source of construction manpower) is three times that of the non-minority population, upon the fact that minority unemployment rate in the Washington area is twice that of non-minority unemployment, upon the fact there exists substantial minority underemployment in the area and upon the fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs effective affirmative action efforts should produce at least one minority applicant for each non-minority applicant for effective construction employment."

Here, Mr. President, the Labor Department Federal construction contractors that in effect you must come up with a 1-to-1 ratio of minority to